



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 10, 2007

CANTOR COLBURN, LLP  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002  
US

Dear Sir/Madam,

Your refund request for 10548310 in the amount of \$500.00 has been denied .

No refund is due. There was not a small entity assertion file in November 2000, for this patent therefore the refund is denied. For additional information concerning this refund request contact karen Bowman in the Status and Entity branch at (703) 306-5491.

Sincerely,

A handwritten signature in cursive script that reads "Rita White". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

RITA WHITE  
PCT - National  
703 308-9140 x231

**REFUND COMPLETED  
PCT NATIONAL DIVISION****RECEIVED  
CENTRAL FAX CENTER****JUL 05 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Su Jae LEE, et al. )  
SERIAL NO.: 10/548,310 ) Group Art Unit: NYA  
FILED: September 7, 2005 ) Examiner: NYA  
FOR: COMPOSITION COMPRISING )  
PHYTOSPHINGOSINE OR DERIVATIVE )  
THEREOF )

**REQUEST FOR REFUND****REFUND COMPLETED  
PCT NATIONAL DIVISION****VIA FACSIMILE: 571-273-8300**

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Refund Section, Accounting Division, Office of Finance

Sir:

In accordance with 37 CFR 1.28(a), Applicants respectfully requests a refund of the fees in the amount of \$500.00 for filing of small entity status. On the filing date of September 7, 2005, Applicant erroneously authorized the United States Patent and Trademark Office (USPTO) to access Deposit Account No. 06-1130 for the amount of \$1000.00 to cover the National Base Issue fee in the instant application as a large entity status. A copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 and copy of the Deposit Account Statment showing that Applicant paid the USPTO the large entity status amount of \$1000.00 is attached hereto.

10/548,310  
YPL-0171

2006 JUL -7 PM 3:42

As grounds, therefore, Applicants includes herewith an Assertion of Small Entity Status & TRADEMARK

Therefore, Applicants respectfully request a refund in amount of \$500.00 be credited to Deposit

Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By:

  
Jae Y. Park

Limited Recognition No. L0077

Cantor Colburn LLP

55 Griffin Road South

Bloomfield, CT 06002

PTO Customer No. 23413

Telephone: (860) 286-2929

Fax: (860) 286-0115

Date: July 5, 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUL 05 2006

APPLICANT: SU JAE LEE, ET AL )  
SERIAL NO.: 10/548,310 ) Group Art No.: NYA  
FILED: September 7, 2005 ) Examiner: NYA  
FOR: COMPOSITION COMPRISING )  
PHYTOSPHINGOSINE OR )  
DERIVATIVE THEREOF )

**WRITTEN ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS****VIA FACSIMILE 571-273-8300**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.27(c), it is herein asserted that Applicants' are entitled to small entity status because Applicants' qualify at least as a *person* under 37 C.F.R. §1.27(a). Accordingly, recognition of Applicants' small entity status and treatment of Applicants' as a small entity is requested.

Respectfully submitted,

CANTOR COLBURN LLP

By



Jae Y. Park  
Limited Recognition No. L0077  
Cantor Colburn LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
PTO Customer No. 23413  
Telephone: (860) 286-2929  
Fax: (860) 286-0115

Date: July 5, 2006

JUL 05 2006 5:56PM CANTOR COLBURN LLP

8602860115

JUL 05 2006.5

Express Mail Label No. EV687695849US

|  |                                       |  |
|--|---------------------------------------|--|
| FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE<br>(REV. 2-2005)  |                                       | ATTORNEY'S DOCKET NUMBER<br>YPL-0171                   |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371   |                                       | U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br>NYA |
| INTERNATIONAL APPLICATION NO.<br>PCT/KR2003/000443   | INTERNATIONAL FILING DATE<br>3-7-2003 | PRIORITY DATE CLAIMED<br>NONE                          |
| TITLE OF INVENTION<br>COMPOSITION COMPRISING PHYTOSPHINGOSINE OR DERIVATIVE THEREOF  |                                       |  |
| APPLICANT(S) FOR DO/EO/US<br>Su Jae LEE, Yun Sil LEE, Seo Kwan KIM, Kyung Joong KIM, Chul Kee CHO, Chang Mo KANG, Tae Hwan KIM, Sangwoo BAE, Moon Taek PARK, Jung A CHOI, Min Jeong KIM, Hee Yong CHUNG, Su Jong KIM, Seongman KANG, Weon Ik CHOI and Jung A KANG  |                                       |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |                                       |  |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (8) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)). <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/PEA409).</li> <li>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA210).</li> </ol> <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A FIRST preliminary amendment.</li> <li>16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input checked="" type="checkbox"/> Express Mail Label No. EV687695849US</li> <li>23. <input checked="" type="checkbox"/> Other items or information:<br/>PCT Request</li> </ol> |                                       |  |

PTO-1390 (Rev. 02-2005)  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Approve, use through 3/31/2007, OMB 0651-0021  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |                          |    |
|--|--------------|--|------------|--------------------------|----|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |            | ATTORNEY'S DOCKET NUMBER |    |
| NYA  |              | PCT/KR2003/000445  |            | YPL-0171                 |    |
| The following fees are submitted:  |              |  |            | <b>CALCULATIONS</b>      |    |
| 24. <input checked="" type="checkbox"/> Basic national fee   |              |  |            | PTO USE                  |    |
|  |              |  |            | \$                       |    |
| 25. <input checked="" type="checkbox"/> Examination fee  |              |  |            | \$                       |    |
| If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).  |              |  |            | \$                       |    |
| All other situations.  |              |  |            | \$                       |    |
| 26. <input checked="" type="checkbox"/> Search fee   |              |  |            | \$                       |    |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an international Searching Authority  |              |  |            | \$                       |    |
| International Search Report prepared and provided to the Office  |              |  |            | \$                       |    |
| All other situations.  |              |  |            | \$                       |    |
| <b>TOTAL OF 24, 25 and 26 =</b>  |              |  |            | <b>\$</b>                |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets or paper or fraction thereof. |              |  |            |                          |    |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |                          |    |
| 34 - 100 =   | 0 / 50 =     | 0  | x \$250.00 | \$                       |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$                       |    |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |                          |    |
| Total claims   | 6 - 20 =     | 0  | x \$50.00  | \$                       |    |
| Independent claims   | 1 - 3 =      | 0  | x \$200.00 | \$                       |    |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |            | \$                       |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |            | <b>\$</b>                |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |            | \$                       |    |
| <b>SUBTOTAL =</b>  |              |  |            | <b>\$</b>                |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            | \$                       |    |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |            | <b>\$</b>                |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |            | \$                       |    |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |            | <b>\$</b>                |    |
|  |              |  |            | Amount to be             | \$ |
|  |              |  |            | Amount to be             | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.   |              |  |            |                          |    |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-1130</u> in the amount of <u>\$1,000.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.   |              |  |            |                          |    |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-1130</u> . A duplicate copy of this sheet is enclosed.                                |              |  |            |                          |    |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.                      |              |  |            |                          |    |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the international application to pending status.   |              |  |            |                          |    |
| SEND ALL CORRESPONDENCE TO:  |              |  |            |                          |    |
| Soonja Bae   |              |  |            |                          |    |
| Limited Recognition No. L0017  |              |  |            |                          |    |
| Cantor Colburn LLP   |              |  |            |                          |    |
| 55 Griffin Road South  |              |  |            |                          |    |
| Bloomfield, CT 06002   |              |  |            |                          |    |
| Date: September 7, 2005  |              |  |            |                          |    |
| SIGNATURE  |              |  |            |                          |    |
| Soonja Bae   |              |  |            |                          |    |
| NAME   |              |  |            |                          |    |
| L0017  |              |  |            |                          |    |
| Limited Recognition No.  |              |  |            |                          |    |

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## Deposit Account Statement

Page 11 of 20

**COPY**

|             |                 |                    |      |              |             |
|-------------|-----------------|--------------------|------|--------------|-------------|
| 09/16 217   | 11226484        | YKI-0187           | 1011 | \$300.00     | \$28,670.00 |
| 09/16 218   | 11226484        | YKI-0187           | 1111 | \$500.00     | \$28,170.00 |
| 09/16 219   | 11226484        | YKI-0187           | 1311 | \$200.00     | \$27,970.00 |
| 09/16 223   | 11223093        | CMS-002            | 8021 | \$40.00      | \$27,930.00 |
| 09/16 226   | 11226082        | YPL-0184           | 1011 | \$300.00     | \$27,630.00 |
| 09/16 227   | 11226082        | YPL-0184           | 1111 | \$500.00     | \$27,130.00 |
| 09/16 228   | 11226082        | YPL-0184           | 1311 | \$200.00     | \$26,930.00 |
| 09/16 231   | 11224405        | DP-312857/DE3-0375 | 8021 | \$40.00      | \$26,890.00 |
| 09/16 240   | 11223879        | 21C-0243           | 8021 | \$40.00      | \$26,850.00 |
| 09/16 270   | 11228117        | NAW-0006           | 1011 | \$300.00     | \$26,550.00 |
| 09/16 271   | 11228117        | NAW-0005           | 1111 | \$500.00     | \$26,050.00 |
| 09/16 272   | 11228117        | NAW-0005           | 1311 | \$200.00     | \$25,850.00 |
| * 09/16 283 | 10548310        | YPL-0171           | 1831 | \$300.00     | \$25,550.00 |
| 09/16 284   | 10548310        | YPL-0171           | 1833 | \$200.00     | \$25,350.00 |
| 09/16 285   | 10548310        | YPL-0171           | 1832 | \$500.00     | \$24,850.00 |
| 09/16 311   | 11226507        | NAW-0008           | 1011 | \$300.00     | \$24,550.00 |
| 09/16 312   | 11226507        | NAW-0008           | 1111 | \$500.00     | \$24,050.00 |
| 09/16 313   | 11226507        | NAW-0008           | 1311 | \$200.00     | \$23,850.00 |
| 09/16 351   | 29221619        | WIG-0005           | 8021 | \$40.00      | \$23,810.00 |
| 09/16 398   | 10547884        | YOM-0188           | 1831 | \$300.00     | \$23,510.00 |
| 09/16 399   | 10547884        | YOM-0188           | 1833 | \$200.00     | \$23,310.00 |
| 09/16 400   | 10547884        | YOM-0188           | 1832 | \$500.00     | \$22,810.00 |
| 09/16 401   | 10547884        | YOM-0188           | 8021 | \$40.00      | \$22,770.00 |
| 09/16 415   | 10547904        | PLU-0010           | 2831 | \$150.00     | \$22,620.00 |
| 09/16 416   | 10547904        | PLU-0010           | 2833 | \$100.00     | \$22,520.00 |
| 09/16 417   | 10547904        | PLU-0010           | 2832 | \$250.00     | \$22,270.00 |
| 09/16 418   | 10547904        | PLU-0010           | 8021 | \$40.00      | \$22,230.00 |
| 09/16 651   | 78714043        | SHN-0045-T         | 7001 | \$325.00     | \$21,905.00 |
| 09/16 1236  | 78714353        | LSI-0005-T         | 7001 | \$325.00     | \$21,580.00 |
| 09/16 1247  | 78714381        | LSI-0006-T         | 7001 | \$325.00     | \$21,255.00 |
| 09/16 1264  | 78176393        | SWR-0073-T         | 7004 | \$450.00     | \$20,805.00 |
| 09/19 1     | 11226545        | YPL-0170           | 1011 | \$300.00     | \$20,505.00 |
| 09/19 1     | 10531831        | LNK-0109           | 2832 | -\$250.00    | \$20,255.00 |
| 09/19 2     | 10531831        | LNK-0109           | 2842 | \$200.00     | \$20,055.00 |
| 09/19 2     | 11226545        | YPL-0170           | 1111 | \$500.00     | \$20,055.00 |
| 09/19 3     | 90007721        | FAO-0187-R2        | 1812 | \$2,520.00   | \$17,535.00 |
| 09/19 3     | 11226545        | YPL-0170           | 1311 | \$200.00     | \$17,335.00 |
| 09/19 8     | 10530231        | 21C-0180           | 1832 | -\$500.00    | \$17,835.00 |
| 09/19 9     | 10530231        | 21C-0180           | 1842 | \$400.00     | \$17,435.00 |
| 09/19 9     | 11228543        | SIE-0220           | 1011 | \$300.00     | \$17,135.00 |
| 09/19 10    | 11228543        | SIE-0220           | 1111 | \$500.00     | \$16,635.00 |
| 09/19 11    | 11228543        | SIE-0220           | 1311 | \$200.00     | \$16,435.00 |
| 09/19 12    | 10500082        | 87528-5001         | 2253 | \$510.00     | \$15,925.00 |
| 09/19 12    | 10278781        | 02408              | 1253 | -\$1,020.00  | \$16,945.00 |
| 09/19 31    | 10531829        | 21C-0181           | 1832 | -\$500.00    | \$17,445.00 |
| 09/19 32    | 10531829        | 21C-0181           | 1842 | \$400.00     | \$17,045.00 |
| 09/19 33    | E-REPLENISHMENT |                    | 9203 | -\$20,000.00 | \$37,045.00 |
| 09/19 35    | 10049417        | GRP-0010           | 1202 | \$50.00      | \$36,995.00 |
| 09/19 36    | 10049417        | GRP-0010           | 1201 | \$200.00     | \$36,795.00 |
| 09/19 61    | E-REPLENISHMENT |                    | 9203 | -\$20,000.00 | \$56,795.00 |
| 09/19 63    | 10028271        | BS00-355           | 1401 | \$500.00     | \$56,295.00 |

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|  |                         |                 |   |
|--|-------------------------|-----------------|---|
| <b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>   |                         |                 | Docket No.<br>YPL-0171                        |
| Applicant(s): Su Jae LEE, et al.   |                         |                 |   |
| Application No.<br>10/548,310  | Filing Date<br>9-7-2005 | Examiner<br>NYA | Group Art Unit<br>NYA                         |
| Invention: COMPOSITION COMPRISING PHYTOSPHINGOSINE OR DERIVATIVE THEREOF   |                         |                 | RECEIVED<br>CENTRAL FAX CENTER<br>JUL 05 2006 |
| Request for Refund (2 pages), Written Assertion of Entitlement to Small Entity Status (1 page), Copy of Transmittal Letter to the United States Designated/Elected Office (DO/E0/US) Concerning a Submission Under 35 U.S.C. 371 (2 pages) and Copy Deposit Acct. Statement (1 page) |                         |                 |   |
| I hereby certify that this _____<br>(Identify type of correspondence)  |                         |                 |   |
| is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> )  |                         |                 |   |
| on <u>July 5, 2006</u><br>(Date)   |                         |                 |   |
| _____<br>Tammie Lanthier<br>(Typed or Printed Name of Person Signing Certificate)  |                         |                 |   |
| _____<br>(Signature)   |                         |                 |   |
| Note: Each paper must have its own certificate of mailing.   |                         |                 |   |

P12/REV02

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